

REMARKS/ARGUMENTS

Favorable reconsideration in view of the above amendments and following remarks is respectfully requested.

Claims 1 and 3-14 are currently pending in this application. By this Amendment, Claims 13-14 are added; and no claims are canceled or amended herewith. It is respectfully submitted that no new matter is added by this Amendment.

In the outstanding Office Action, Claims 1 and 3-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,047,376 to Hosoe in view of U.S. Patent No. 6,064,635 to Machiguchi and further in view of Official Notice.

With respect to the rejection of the claims under 35 U.S.C. § 103, that rejection is respectfully traversed. In particular, Applicant submits that the applied art does not teach or suggest a third storage region having an ID unique to the recording medium stored therein, the server being configured to receive the ID and identify from the ID, the type of medium on which the medium ID is stored, with at least part of data downloaded from the server including a list of selectable content data selected by the server based on the type of medium identified by the server, as similarly recited in the independent claims.

Instead, Hosoe discusses that on the side of the server 1, identification information transmitted, is received by the access authentication means 17, activated and then compared to identification information "A" already stored. Based on the comparison, the client 2 is given or denied access. As shown in Fig. 6, one server can provide music information service, communication education service, and version upgrade service. Each unit of memory medium may store each medium identification number, each of which may be selected by the user for his service. The server holds such a table shown in FIG. 7 to identify the service and the validity period and then provide necessary service.

In Hosoe, on the side of the client, when the server authentication program is activated, the system indicates at the display device 23 which service is to be requested at S31, reads out and deciphers the identification number of the service corresponding to the server address, and based on this number, makes an access request at S33. The server uses the identification number sent from the client and the table shown in Fig. 7 to identify service corresponding to this identification number at S35, and to start the corresponding service at S36. As acknowledged in the outstanding Office Action, on page 4 for example, Hosoe does not identify the type of medium, as claimed. The Office Action asserts that Machiguchi teaches this feature and it would have been obvious to combine the teachings in the applied art to arrive at the claimed invention. Applicants disagree with this assertion

In particular, Machiguchi merely discusses that the type information of the disk is concerned with the information about the writing function of the disk. For example, whether the information indicates a read-only disk such as a CD-ROM, a write-only disk such as CD-R (or CD-WO), and an erasable disk such as CD-E (or CD-RW).

Accordingly, the features of the claimed invention are not taught by the applied art. Again, the independent claims similarly recite in part that the server receives the ID and identifies from the ID, the type of medium on which the medium ID is stored, and at least part of data downloaded from the server includes a list of selectable content data selected by the server based on the type of medium identified by the server. There is no teaching or suggestion for the features of the claimed invention discussed above nor is it obvious from the teachings in the applied art to arrive at the claimed features. Instead, Hosoe merely discusses that each unit of memory medium may store each medium identification number beforehand each of which may be selected by the user. Machiguchi merely discusses that the type information of the disk is concerned with the information about the writing function of the disk.

Further, the applied art does not teach or suggest that the type of medium is one of a charge medium and a non-charge medium as recited in Claim 13, or that the type of content data is one of tune data, video data, game software, movie software and application software, as recited in Claim 14.

In accordance with the features of the claimed invention, and as disclosed as an example on pages 13-14, the content server receives the medium ID and identifies the type of the medium on which the medium ID is stored. Then, the content server transmits a list of content data selected in accordance with the identified type of the medium. For example, if the medium in question is of the type which has a format for recording only digital audio data, then the content server transmits a list of tune data from among various types of contents. As recited in Claim 7 for example, a display device displays a list of selectable content data transmitted from the server and selected by the server based on the type of medium identified by the server. Accordingly, the user can select favorable content data from among the displayed list and issue a request for downloading the favorable content data. The features of the claimed invention are not taught in the applied art.

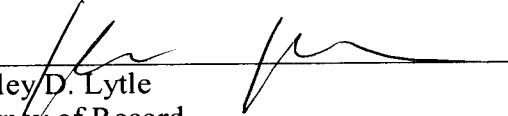
For at least the reasons set forth above, the features of the claimed invention discussed above are not taught by Hosoe or Machiguchi. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 103 is respectfully requested.

Consequently, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
KMM/rac

1989874_1

Kevin M. McKinley
Registration No. 43,794